

1 THE HONORABLE JOHN C. COUGHENOUR
2
3
4
5
6

7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 IN RE VALVE ANTITRUST LITIGATION

11 Case No. 2:21-cv-00563-JCC

12 **PRAECIPE REGARDING**
13 **PLAINTIFFS' RESPONSE TO**
14 **DEFENDANT VALVE**
15 **CORPORATION'S MOTION TO**
16 **SEAL**

17 To: The Clerk of the Court

18 On April 1, 2024, Plaintiffs filed their Response to Valve's Motion to Seal. Given the large
19 number of requests for sealing or redaction at issue in that Motion, that Response attached certain
20 appendices for the Court's ease of reference, including Appendix 1 which itemized Valve's
21 requests for sealing or redaction, Valve's explanations for those requests, and provided Plaintiffs'
22 positions as to each request. *See* Dkts. 210, 211, and 215.

23 In Valve's Reply filed April 5, 2024 (Dkt. 216 at 5 n.3), Valve asserts: "Appendix 1 is rife
24 with errors that misquote Valve's position in scores of places. Most egregiously, Plaintiffs
25 misquote all of Valve's positions regarding the 30 proposed redactions to Cobb Exhibit 2," the
26 Expert Report of Joost Rietveld. *See also* Dkt. 217 (Marks-Dias Decl.) ¶¶ 5-7.

1 In fact, during the parties' meet-and-confer process leading up to Valve's Motion to Seal,
2 on March 1, 2024, at 7:54 p.m. EST, Valve's counsel at Fox Rothschild emailed Plaintiffs' counsel
3 stating: "Please see attached Valve's proposed redactions (*and position on each in the margin*
4 *comments*) to Cobb Ex. 2." Plaintiffs' Appendix 1 quoted Valve's positions with respect to Exhibit
5 2, as Valve provided them to Plaintiffs in the attachment to that email. The substance of Valve's
6 positions as stated in the Schenck Declaration (Dkt. 200) and the relevant attachments (Dkts. 200-
7 4, and 200-5) do not appear to materially differ from the substance of the positions Valve's counsel
8 provided to Plaintiffs as attached to that March 1 email. But because of Valve's (incorrect)
9 suggestion that Plaintiffs "egregiously" "misquoted" Valve's positions, Plaintiffs respectfully
10 request that the Court replace the version of Appendix 1 previously filed at Dkt. 211 with the
11 version attached hereto (filed under seal as a separate docket entry). In this version of Appendix
12 1, with respect to Valve's position on Exhibit 2 (Joost Report), Plaintiffs have added Valve's
13 positions as reflected in the relevant attachment to the Schenck Declaration (Dkt. 200-5), in
14 addition to the position that Valve previously communicated to Plaintiffs on March 1. In addition,
15 while Valve's counsel did not identify any other specific errors in Appendix 1, Plaintiffs have
16 taken an additional level review to correct any other remaining inadvertent errors.

1 Dated: April 9, 2024

2 /s/ Alicia Cobb

3 Alicia Cobb, WSBA #48685
4 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
5 1109 First Avenue, Suite 210
Seattle, Washington 98101
Phone (206) 905-7000
Fax (206) 905-7100
aliciacobbs@quinnemanuel.com

6 Steig D. Olson (*pro hac vice*)
7 David LeRay (*pro hac vice*)
8 Nic V. Siebert (*pro hac vice*)
9 Andrew Faisman (*pro hac vice*)
10 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
11 51 Madison Avenue
12 New York, New York 10010
Phone (212) 849-7231
13 Fax (212) 849-7100
steigolson@quinnemanuel.com
davidleray@quinnemanuel.com
nicolassiebert@quinnemanuel.com
andrewfaisman@quinnemanuel.com

14 Adam Wolfson (*pro hac vice*)
15 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
16 865 S. Figueroa St., 10th Floor
17 Los Angeles, California 90017
Phone (213) 443-3285
18 Fax (213) 443-3100
adamwolfson@quinnemanuel.com

19 Charles Stevens (*pro hac vice*)
20 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
21 50 California St., 22nd Floor
San Francisco, CA 94111
Phone (415) 875-6600
22 Fax (415) 875-6700
charliestevens@quinnemanuel.com

Respectfully submitted,

2 /s/ Stephanie L. Jensen

Stephanie L. Jensen, WSBA #42042
Tyre L. Tindall, WSBA #56357
WILSON SONSINI GOODRICH &
ROSATI P.C.
701 Fifth Avenue, Suite 5100
Seattle, WA 98104-7036
Phone (206) 883-2500
Fax (866) 974-7329
sjensen@wsgr.com
ttindall@wsgr.com

Kenneth R. O'Rourke (*pro hac vice*)
Allison B. Smith (*pro hac vice*)
WILSON SONSINI GOODRICH &
ROSATI, P.C.
1700 K Street, NW, Suite 500
Washington, DC 20006
Phone (202) 973-8800
Fax (866) 974-7329
korourke@wsgr.com
allison.smith@wsgr.com

W. Joseph Bruckner (*pro hac vice*)
Joseph C. Bourne (*pro hac vice*)
Laura M. Matson (*pro hac vice*)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue S, Suite 2200
Minneapolis, MN 55401
Phone (612) 339-6900
Fax (612) 339-0981
wjbruckner@locklaw.com
jcbourne@locklaw.com
lmmatson@locklaw.com

Kyle Pozan (*pro hac vice*)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
1165 N. Clark Street, Suite 700
Chicago, IL 60610
Phone (612) 339-6900
Fax (612) 339-0981
kjpozan@locklaw.com

1 Ankur Kapoor (*pro hac vice*)
2 Noah Brecker-Redd (*pro hac vice*)
3 CONSTANTINE CANNON LLP
4 335 Madison Avenue, 9th Floor
New York, NY 10017
Phone (212) 350-2700
Fax (212) 350-2701
akapoor@constantinecannon.com
nbrecker-redd@constantinecannon.com

Interim Co-Lead Counsel

7 J. Wyatt Fore (*pro hac vice*)
CONSTANTINE CANNON LLP
8 1001 Pennsylvania Ave., NW, Suite 1300N
Washington, D.C. 20004
9 Phone (202) 204-4527
Fax (202) 204-3501
wfore@constantinecannon.com

11 *Interim Co-Lead Counsel*

12 Kenneth J. Rubin (*pro hac vice*)
13 Timothy B. McGranor (*pro hac vice*)
14 Kara M. Mundy (*pro hac vice*)
Douglas R. Matthews (*pro hac vice*)
15 VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
16 Columbus, Ohio 43215
Phone (614) 464-6400
17 Fax (614) 719-4796
kjrubin@vorys.com
tbmcgranor@vorys.com
kmmundy@vorys.com
drmatthews@vorys.com

20 Thomas N. McCormick (*pro hac vice*)
VORYS, SATER, SEYMOUR AND PEASE LLP
21 4675 MacArthur Court, Suite 700
22 Newport Beach, California 92660
23 Phone (949) 526-7903 | Fax (949) 383-2384
tnmccormick@vorys.com

24 *Executive Committee Member*

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

DATED: April 9, 2024

/s/ Alicia Cobb

Alicia Cobb, WSBA #48685

PRAECLPE
CASE No. 2:21-cv-00563-JCC